

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
Civil Action No. 2:20-cv-20-FL

JOHN P. BAILEY,
PAUL W. MICHAEL, JR. and wife,
SHERYL S. MICHAEL,
E. THOMPSON BROWN,
TODD A. EDGAR and wife,
BABETTE S. EDGAR,

Plaintiffs,

v.

COUNTY OF DARE, NORTH
CAROLINA,

Defendant.

**SECOND CONSENT MOTION FOR
EXTENSION OF TIME TO RESPOND TO
PLAINTIFFS' COMPLAINT AND
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

NOW COMES the defendant, by and through counsel, and, pursuant to Local Rule 6.1, moves for an extension of time, up and through June 27, 2020, to respond to Plaintiffs' Complaint (D.E. 1) as well as Plaintiffs' Motion for Preliminary Injunction (D.E. 11).

In support of this motion, the defendant shows the Court as follows:

1. Defendant received the Complaint in this action on April 15, 2020 (see D.E. 10, Proof of Service), and Defendant originally had up and through May 6, 2020, to respond to the Complaint. Defendant received Plaintiffs' Motion for a Preliminary Injunction ("Motion") (D.E. 11) on April 23, 2020, and Defendant originally had up and through May 14, 2020, to respond to said motion.

2. On April 29, 2020, Plaintiffs consented to Defendant's receipt of an extension of time in which to respond to both the Complaint and Motion, up and through May 27, 2020, and this Court granted that extension on that same day.

3. Counsel for Defendant communicated with counsel for the Plaintiffs on May 26, 2020, and the Plaintiffs consent to this extension.

4. Good cause exists for the Court to grant this extension.

5. This case was selected for mediation on April 21, 2020, the parties have selected a mediator, and the parties plan to engage in mediation on or around June 18, 2020. Allowing for an extension would aid mediation and conserve judicial resources, responsive filings will not likely aid the mediation, and responsive briefing may not be needed if mediation is successful. An extension would aid mediation and possible resolution of this action.

WHEREFORE, the defendant respectfully requests that this Court grant an extension of time, up and through June 27, 2020, for the defendant to respond to Plaintiffs' Complaint and Plaintiffs' Motion for a Preliminary Injunction.

Respectfully submitted this the 26th day of May, 2020.

/s/ Brian F. Castro
Christopher J. Geis
N.C. Bar No. 25523
Brian F. Castro
N.C. Bar No. 53412
WOMBLE BOND DICKINSON (US) LLP
One West Fourth Street
Winston-Salem, North Carolina 27101
Phone: (336) 721-3600
Fax: (336) 721-3660
Email: Chris.Geis@wbd-us.com
Email: Brian.Castro@wbd-us.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2020, I electronically filed the foregoing **SECOND CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' COMPLAINT AND PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** with the Clerk of Court using the CM/ECF system, which will send notice to the following CM/ECF participant:

S.C. Kitchen
N.C. Bar No. 9309
920-C Paverston Dr.
Raleigh, NC 27615
Email: ckitchen@ktlawnc.com
Phone: (888) 308-3708
Fax: (888) 308-3614

Attorney for Plaintiffs

/s/ Brian F. Castro
Brian F. Castro
N.C. Bar No. 53412
WOMBLE BOND DICKINSON (US) LLP
One West Fourth Street
Winston-Salem, North Carolina 27101
Phone: (336) 721-3600
Fax: (336) 721-3660
Email: Brian.Castro@wbd-us.com

Attorney for Defendant